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Human rights situations that require the Council's attention

Written statement* submitted by the Pasumai Thaayagam Foundation, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[15 February 2016]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Accountability, Justice and Reconciliation in Sri Lanka

Pasumai Thaayagam Foundation takes this opportunity to appeal to the Human Rights Council (HRC) and the Office of the High Commissioner for Human Rights (OHCHR) to continue working towards ensuring that Sri Lanka fulfils its commitments under Resolution 30/1 (the 'Resolution'), providing relevant assistance where necessary.

The Resolution, passed at the 30th session of the HRC, and co-sponsored by Sri Lanka, calls on the Sri Lankan government to uphold its commitments to develop a credible judicial process including international actors, to implement the recommendations of the OHCHR's report on Sri Lanka, to introduce effective security sector reform, and to take necessary constitutional measures to reach a political settlement. The Resolution presented a small but important window of opportunity to see Tamil grievances and rights finally addressed and achieved.

However, over the last few months Pasumai Thaayagam Foundation has become deeply concerned by the unclear and conflicting statements that have been delivered by different members of the Sri Lankan government on plans to implement the Resolution. For example, recently, both President Sirisena and Prime Minister Wickremasinghehave stated that the judicial mechanism would not include foreign judges. This is a key component of the Resolution, as significant and meaningful international involvement is a pre-requisite for any accountability and justice mechanism to be credible in the eyes of victims and war-affected communities in Sri Lanka.

The unclear and contradictory statements come at a time when Tamil victims and communities continue to have little to no confidence in the Sri Lankan government's political will due to the government's failure to address critical on-going human rights issues including the military occupation of the North-East, reports of on-going torture, continued illegal land acquisition, not releasing the comprehensive list of detainees and the detention of political prisoners.

These issues must be immediately addressed in order to gain the Tamil community's trust and support in any transitional justice initiatives. Similarly, while Pasumai Thaayagam Foundation takes note of the recent creation of a Consultation Task Force, we emphasize the need for the Sri Lankan government itself to make a clear and definitive statement about its commitment to upholding the Resolution it co-sponsored.

Finally, Pasumai Thaayagam Foundation would also like to re-iterate that though steps towards a political solution are important and needed for sustainable peace, they are no substitute for justice. Victims and war-affected communities have repeatedly made clear that they require meaningful accountability and justice to move towards a sustainable future for the country as a whole.

2016 is a make or break year for Sri Lanka's path towards accountability, justice and reconciliation, and it is imperative that the HRC and OHCHR continue to remain critically engaged with Sri Lanka to ensure that commitments under the Resolution are fulfilled.

The British Tamils Forum (BTF, UK), an NGO without consultative status, also shares the views expressed in this statement.